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FILED

JAN 21 2015

**SECRETARY, BOARD OF
OIL, GAS & MINING**

Attorneys for the Division of Oil, Gas and Mining

**BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

In the Matter of the Notice of Agency Action to affecting the mining operations of **M. TODD WILHITE, WALL & ROCK, INC.**, and/or **WILHITE & ASSOCIATES, INC.**, by (1) withdrawing a Notice of Intention, (2) forfeiting a Certificate of Deposit No. 7089407881 in the amount of \$7000 plus accrued interest held by **ZIONS BANK**, (3) ordering reclamation of mines, and (4) requesting the Division of Oil, Gas and Mining and the Attorney General to take all other actions necessary to recover costs, fees, and fines for the operations occurring at (a) Gulch Mine (S023/0087) in Juab County; (b) Freedom from War Mine (S/039/0024) in Sanpete County; (c) Mount Pleasant Mine (S/039/0027) in Sanpete County; and (d) Mount Pleasant North Mine (S/039/0030) in Sanpete County.

MOTION TO CONTINUE

Docket No. 2014-39

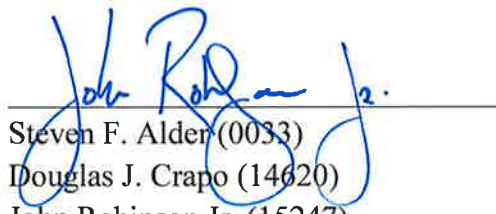
Cause Nos. S0230087,
S0390024, S0390027, S0390030.

The Division of Oil, Gas and Mining (**Division**) respectfully submits this Motion to Continue the hearing on this matter from January 28, 2015 until the regularly scheduled hearing of the Board of Oil, Gas and Mining (**Board**) on May 27, 2015.

The Division discussed this matter with counsel for M. Todd Wilhite. Mr. Wilhite does not object to this motion and supports the continuance. During the continuance, the Division and Mr. Wilhite will continue to work towards a negotiated settlement that will resolve this matter without the need of a hearing. The Division believes that no other parties will be injured by this continuance, and therefore good cause exists.

A proposed order granting the continuance is provided for the Board's convenience.

RESPECTFULLY SUBMITTED this 21st day of January, 2015.



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Division Address

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CERTIFICATE OF SERVICE

I certify that I caused a true and correct copy of the above MOTION TO CONTINUE to be delivered to the following, this 21th day of January, 2015:

by email delivery:

Michael S. Johnson
Assistant Attorney General
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Attorney for Board of Oil, Gas and Mining

Shane T. Peterson
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DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH**

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**[PROPOSED] ORDER GRANTING
MOTION TO CONTINUE**

Docket No. 2014-39

Cause Nos. S0230087,
S0390024, S0390027, S0390030.

The Board of Oil, Gas and Mining has considered the Division's Motion to Continue and finds good cause. Therefore, the Board grants the motion and continues the matter until the regularly scheduled Board hearing on May 27, 2015.

ENTERED this ____ day of _____, 2015.

BOARD OF OIL, GAS AND MINING

Ruland J Gill, Jr., Chairman